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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,072	12/15/2003	Edward Patrick	2964P020	5253

8791 7590 01/29/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030		

EXAMINER
BLACK, LINH

ART UNIT	PAPER NUMBER
2163	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/737,072	PATRICK ET AL.
	Examiner	Art Unit	
	LINH BLACK	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>16/6/06</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6 and 32-45</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6 and 32-45</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>8/4/06</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This communication is in response to the Applicants' Response dated 11/6/06. Claims

1-6 and 32-37 are pending in the application. Claims 1, 3, 4, and 6 are independent

claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claims 1-6 and 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Chen et al. (US 6741969), and further in view of Riconda et al. (US 20040110119).

In the specification, second paragraph of the DETAILED DESCRIPTION Section,

Applicants teach "The following describes some aspects of the system in the context of

a commercial application where the group entity is a merchant having online presence

and the member entities are the merchant's existing customers (e.g., subscribers). The

description, however, is not limited to such a commercial application."

As per claims 1 and 3, Chen et al. teach:

storing data about a plurality of member entities that have a relationship with a group

entity – col. 1, lines 51-67; col. 2, lines 64-66.

associating a state variable with each member entity – col. 3, lines 38-47; col. 5, line 54

to col. 6, line 6; col. 13, lines 5-43 (new customer status, dining frequency, beverage

choice, and other variables.)

updating the state variable of each member entity with one of a group of predefined, first

states, in response to applying one of a set of predefined, rules to analyze some of the

stored data, wherein the set of rules are defined in part by the group entity – col. 3, lines

38-47; col. 6, lines 53-60; col. 9, lines 25-39; col. 12, line 66 to col. 13, line 43; col. 14,

lines 15-25; col. 18, lines 14-67.

automatically determining whether or not online content is to be delivered to each

member entity based on the state variable of the member entity – col. 6, lines 7-35 and

lines 57-60; col. 15, lines 43-58; col. 7, lines 1-6. However, Chen et al. do not explicitly

teach member's state is updated automatically. However,

automatically/dynamically/periodically updating the statuses of clients/members in not

novel in the art. Riconda et al. teach Internet Service, Communication Service, and

create new members in Active Directory – paragraphs 0094, 0096; period by period

attendant record in real time – pars. 0111-0014; automatically updating the status of

students – pars. 0119, 0130, 0138; details all students having a total number of

absences for a defined time period – par. 0163. Thus, it would have been obvious to

one of ordinary skill in the art at the time of the invention to combine Chen's and

Roconda's teaching to better manage users/clients/students statuses to better serve

users.

As per claim 2, Chen et al. teach:

wherein the stored data includes data that has been derived from online interaction

between each member entity and the group entity – col. 9, line 47 to col. 10, line 15; col.

15, lines 19-58.

As per claims 4 and 6, Chen et al. teach:

storing data about a plurality of member entities that have a relationship with a group

entity - col. 1, lines 51-67; col. 2, lines 64-66.

associating a state variable with each member entity - col. 3, lines 38-47; col. 5, line 54

to col. 6, line 6; col. 13, lines 5-43 (new customer status, dining frequency, beverage

choice, and other variables.)

updating the state variable of each member entity with one of a group of predefined, first

states, in response to applying one of a set of predefined, rules to analyze some of the

stored data, wherein the set of rules are defined in part by the group entity - col. 6, lines

53-60; col. 9, lines 25-39; col. 12, line 66 to col. 13, line 43; col. 18, lines 14-67.

automatically personalizing online content that is to be delivered to each member entity;

wherein the state variable determines in part how the online content for the member

entity is personalized – col. 3, lines 19-47; col. 13, lines 44-59; col. 14, lines 22-25; col.

15, lines 43-58. However, Chen et al. do not explicitly teach member's state is updated automatically. However, automatically/dynamically/periodically updating the statuses of clients/members in not novel in the art. Riconda et al. teach Internet Service, Communication Service, and create new members in Active Directory – paragraph 0094; period by period attendant record in real time – par. 0111; automatically updating the status of students – par. 0119; details all students having a total number of absences for a defined time period – par. 0163. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Chen's and Roconda's teaching to better manage users/clients/students statuses to better serve users.

As per claim 5, Chen et al. teach:

wherein the stored data includes data that has been derived from online communications between each member entity and the group entity - col. 9, line 47 to col. 10, line 15; col. 15, lines 19-58.

As per claims 32-34, Chen et al. teach:

new customer status – col. 13, lines 5-25; fig. 6, lines 30-51; customer profiles showing certain customers are likely to buy certain services – col. 4, lines 1-3; fig. 14; col. 9, lines 5-9. However, Chen et al. do not teach two weeks old customers etc... Riconda et al. teach Internet Service, Communication Service, and create new members in Active Directory – paragraph 0094; period by period attendant record in real time – pars.

0111-0114, 0130, 0138; automatically updating the status of students – par. 0119;

details all students having a total number of absences for a defined time period – par.

0163. Therefore, depends on each business' circumstances, the requirements for

checking the status of customers/users vary to accommodate the business practice.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the

invention to combine Chen's and Roconda's teaching to better manage

users/clients/students statuses to better serve users.

As per claims 35-37, Chen et al. teach: wherein the data relates to ONE OF native data

and arbitrary data – col. 2, line 64 to col. 3, line 65. However, Chen et al. do not teach

information imported into the system. Riconda et al. teach data are usually imported

into each operational system at the beginning of the school year... - par. 0005. Thus, it

would have been obvious to one of ordinary skill in the art at the time of the invention to

combine Chen's and Roconda's teaching in order to utilize all necessary information or

data.

As per claim 38, Chen et al. teach:

wherein the group entity is a merchant that has an online presence offering services –

fig. 1, items 114, 182; col. 1, lines 40-67 (a restaurant)

wherein the plurality of member entities are customers that have a relationship with the

merchant – col. 5, line 54 to col. 6, line 25; col. 8, lines 19-31.

wherein the stored data includes data of the customers' behavior, characteristics, or both, wherein the state variable of a customer is automatically transitioned from one value to another, as time passes and data about the customer's usage of the merchant's services continues to be collected, in response to applying the set of predefined rules to analyze some of the stored data – col. 6, lines 36-60 (customized rules); col. 8, lines 43-48; col. 18, lines 39-55; col. 21, line 45 to col. 22, line 39. and wherein the online content is E-mail – col. 15, lines 30-52;

As per claim 39, Chen et al. teach:

wherein the state variable has an initial value of "New" – new customer status: col. 13, lines 5-17; col. 18, lines 39-55.

Claims 40-45 claim the same subject matter as of claims 38-39 and are rejected based on the same ground of rejection.

Response to Arguments

Applicant's arguments with respect to claims 1-6, and 32-37 have been considered but are not persuasive. Regarding the Applicants' argument that Riconda's member is non-analogous to Applicants' member. In the specification, second paragraph of the DETAILED DESCRIPTION Section, Applicants teach "The following describes some aspects of <u>the system in the context of a commercial application</u> where the <u>group entity</u>

is a merchant having online presence and the member entities are the merchant's existing customers (e.g., subscribers). The description, however, is not limited to such a commercial application."

However, users in Riconda's teaching including teachers, students etc...and they are in different groups of users – par. 0048 (fig.10 illustrates an exemplary web-based display interface providing a list of students in a particular school." par. 0055, (fig. 15d; an exemplary web-based display interface enabling creation of student groups); par. 0103 (a staff management process thread that provides the ability to track teacher staff performance and a variety of other administrative tasks performed by staff members). Thus, students in a group is one of the groups of users.

Regarding the Applicants' argument that paragraph 0111 disclose a system allow appropriate users to enter attendance records in real time, thus, teaches away from "automatic". Examiner finds that users' information/data at some points in time have to be provided by the users to the system. However, in paragraphs 0119, 0138, Riconda also teaches student information/data is automatically updated.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
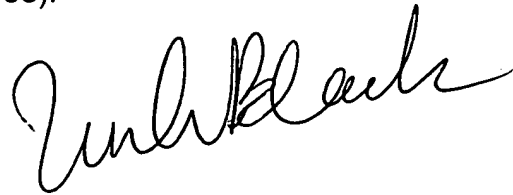
A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LINH BLACK whose telephone number is 571-272-

4106. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

LINH BLACK
Examiner
Art Unit 21633

January 22, 2007

MOHAMMAD ALI
PRIMARY EXAMINER